

REMARKS

Reconsideration of the Application in view of the above amendments and following remarks is respectfully requested.

I. Status of the Claims

Claims 1, 5-7, 9, 11, 12, 16 and 37-41 were pending.

Claims 2-4, 8, 10, 13-15 and 17-36 were previously cancelled.

Claims 1, 5-7, 9, 11, 12, 16 and 37-41 stand rejected.

Claims 1 and 39 have been amended. No new matter is added.

Claim 40 has been cancelled without prejudice or disclaimer.

Claims 1, 5-7, 9, 11, 12, 16, 37-39 and 41 will be pending upon entry of the above amendment.

II. Rejection under 35 U.S.C. § 103

Claims 1, 5-7, 9, 11, 12, 16 and 37-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,109,617 to Laney in view of U.S. Patent No. 6,805,358 to Dawson et al. ("Dawson").

Amended independent claim 1 recites "one or more magnets each of which is positioned so as to urge both said axially floating stationary seal face members towards said rotary seal face member." It is respectfully submitted that a combination of Laney and Dawson does not teach or suggest this feature. The Examiner contends that it would have been obvious to replace the biasing means of Laney with that of Dawson. See Office Action, page 3, lines 4-5. However, it is respectfully submitted that such a combination would not include each of one or more magnets being positioned so as to urge both axially floating stationary seal face members towards the rotary seal face member, as recited in claim 1. It appears that, were the springs of Laney replaced by the magnets 61 of Dawson, each of those magnets would urge both of the stationary seal rings in the same direction. Accordingly, the magnet would only urge one of the stationary seal rings toward the rotary seal ring. For example, were spring 62 of Laney replaced with the magnet of Dawson, it would urge stationary seal ring 20 toward rotary seal ring 16, but would urge stationary seal ring 30

away from rotary seal ring 16. No single magnet replacing a spring of Laney would urge both stationary seal rings 20, 30 toward the rotary seal ring 16. Thus, a combination of Laney and Dawson would not teach or suggest a magnet “which is positioned so as to urge both said axially floating stationary seal face members towards the said rotary seal face member” as recited in claim 1. Therefore, any combination of Laney and Dawson, to the extent proper, could not render obvious claim 1 or its dependent claims 5-7, 9, 11, 12, 16, 37 and 38.

Amended independent claim 39 recites “at least one rotationally fixed magnet disposed radially outward of the rotary seal face member,” a “first axially floating seal face member being positioned at a first end of the at least one magnet such that it is urged by each of the at least one magnet towards the rotary seal face member” and a “second axially floating stationary seal face member being positioned at a second end of the at least one magnet such that it is urged by each of the at least one magnet towards the rotary seal face member.” It is respectfully submitted that these features would not have been obvious in view of a combination of Laney and Dawson.

First, each of Laney and Dawson fail to teach or suggest at least one rotationally fixed magnet disposed radially outward of a rotary seal face member. The Examiner admits that Laney does not disclose a magnet. See Detailed Action, page 2, section 2, third paragraph. With respect to Dawson, that reference describes magnets that “are epoxied into the rotor.” See Dawson, column 4, line 7. Thus, the magnets of Dawson are not rotationally fixed, as recited in amended claim 39.

Further, neither Laney nor Dawson teach or suggest first and second axially floating seal face members disposed at respective ends of at least one magnet such that the axially floating seal face members are urged by each of the at least one magnet towards a rotary seal face member. In contrast, Laney describes springs, each of which has a single stationary seal ring disposed at one of its ends. The stationary seal rings 20, 30 are not disposed at respective first and second ends of a spring. Dawson describes a stator 10 and a rotor 50. A magnet is epoxied into the rotor and the stator is disposed on one side thereof. Dawson does not disclose a magnet with first and second axially floating seal face members disposed at respective ends of the magnet such that the axially floating seal face members are urged by each of the at least one magnet towards a rotary seal face member.

Because each of Laney and Dawson fails to teach or suggest the above recited features of claim 39, it is respectfully submitted that “any combination of Laney and Dawson, to the extent proper, could not render obvious claim 39 or its dependent claim 41.

Reconsideration and withdrawal of the rejection of claims 1, 5-7, 9, 11, 12, 16, 37-39 and 41 under 35 U.S.C. § 103(a) based on Laney and Dawson is respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

It is believed that no additional fee is required for these submissions. Should the U.S. Patent and Trademark Office determine that additional fees are owed or that any refund is owed for this application, the Commissioner is hereby authorized and requested to charge the required fee(s) and/or credit the refund(s) owed to our Deposit Account No. 04-0100.

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Respectfully submitted,

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